

REMARKS

This is a response to the Office Action mailed June 18, 2003 in relation to the above-identified patent application. Claims 1-20 are presently pending. Claims 1, 11, 15-20 have been amended by this Amendment.

The claims have been amended to correct the claim objections and claim rejection under 35 USC 112.

Rejection of Claims 1-6, 8-10, 15, 17, and 19-20 under 35 USC 102(b)

The Examiner rejected Claims 1-6, 8-10, 15, 17, and 19-20 under 35 USC 102(b) as being anticipated by "Analysis of Patient Response to Pre-operative Computerized Video Imaging" by Thomas, et al. (1989).

In making this rejection, the Examiner stated:

"Thomas, et al. discloses in "Patients and Methods" section a method of providing a preview image for a selective cosmetic surgery procedure including steps of asking multiple choice questions about the patient and intended surgery over a network. An image of the patient is selected and modified."

However, Applicant respectfully submits that the multiple choice questions are not "regarding the body of the patient" as required by Independent Claims 1, 18, 19, and 20 of the subject patent application. Rather, the questions are "inquiries made into medical history and reasons for pursuing cosmetic surgery" (second paragraph under "patients and methods").

Further, the image is neither selected nor modified "using the answers" as required by Independent Claims 1, 18, 19, and 20.

Further, this reference goes on to state "following the video imaging session and discussion with the surgeon, each patient was asked to complete and 18-question survey" (last paragraph under "Patients and Methods"). Thus, the questions ask according to this reference regard patient's medical history, reasons for pursuing

cosmetic surgery, and survey questions regarding the use of video imaging. The questions do not regard the body of the patient and thus do not provide information suitable for forming a preview image of the patient showing the potential effects of a selected cosmetic surgery procedure without requiring an image of the patient, as claimed.

Rejection of Claims 1-6, 8, 10, 14-17, and 19-20 under 35 USC Section 102(e)

The Examiner rejected Claims 1-6, 8, 10, 14-17, and 19-20 under 35 USC Section 102(e) as being anticipated by Broderick, et al.

In making this rejection, the Examiner stated that Broderick, et al. discloses "a method of providing a preview image of a cosmetic surgery procedure for the eyes comprising asking multiple choice questions and using the answers over a network to form an image."

However, Applicant respectfully points out that the Broderick, et al. reference is for a method and system for ordering customized cosmetic contact lenses thus does not involve cosmetic surgery procedure at all. Further, images provided by this system allow a patient to "view the customized contact lenses" (paragraph [0055]) rather than to view a preview image of the patient showing the potential effects of the selected cosmetic surgery procedure, as recited in Independent Claims 1, 18, 19, and 20.

Rejection of Claims 1-12, 14-15, 17, and 19-20 under 35 USC Section 102(e)

The Examiner rejected Rejection of Claims 1-12, 14-15, 17, and 19-20 under 35 USC Section 102(e) as being anticipated by Massengill.

In his rejection of these claims, the Examiner stated that Massengill discloses "a method of providing a preview image of a cosmetic surgery procedure for the nose or breast comprising asking multiple choice questions (including measurements)."

However, it is important to appreciate that the Massengill reference requires "imputing a patient's image"; paragraph [0026]; paragraph [0030] (abstract). That is, a prospective patient must provide a photograph of herself.

This is completely contrary to the present invention, wherein a preview image is provided "without using an image of the patient, as recited in amended Independent Claims 1, 18, 19 and 20."

Rejection of Claims 13 and 18 under 35 USC Section 103

Dependent Claims 13 and 18 are believed to be patentable for the reasons discussed above regarding patentability of the independent claims.

The dependent claims are further believed to contain independently patentable subject matter.

Summary

Moreover, it is respectfully submitted that none of the cited references, taken either alone or in combination with one another, either disclose or make obvious "asking at least one question regarding the body of a patient via the network" or "using the answers to form a preview image of the patient showing the potential effects of the selected cosmetic surgery procedure without using an image of the patient," as recited in amended Independent Claims 1, 18, 19, and 20.

It is respectfully submitted that all of the presently pending claims are in condition for immediate allowance. Reconsideration and an early allowance is therefore respectfully requested.

Respectfully submitted,
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